IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 14TH NOVEMBER 2007 / 23RD KARTHIKA 1929

WP(C).No. 28258 of 2007(L)

PETITIONER:

NUSAIFA BEEVI, AGED 49 YEARS,
W/O. H. BASHEER, KOOPPIL HOUSE, MANNOORKONAM P.O.,
NEDUMANGAD, THIRUVANANTHAPURAM.

BY ADV. SRI.T.A.UNNIKRISHNAN
SRI.K.SATHEESH KUMAR

RESPONDENTS:
----

1. THE PASSPORT OFFICER,
THIRUVANANTHAPURAM.

2. THE GOVERNMENT OF INDIA,
MINISTRY OF EXTERNAL AFFAIRS, REPRESENTED BY ITS SECRETARY, NEW DELHI.

3. THE STATION HOUSE OFFICER,
VALIYAMALA, THIRUVANANTHAPURAM.

BY SRI.P.PARAMESWARAN NAIR, ASG FOR R2

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO.28258/07

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: TRUE COPY OF THE PASSPORT OF THE PETITIONER'S SON.

EXT.P2: TRUE COPY OF THE COMMUNICATION DT.5.3.07.

EXT.P3: TRUE COPY OF THE F.I.R. IN CRIME NO.82/05 BEFORE THE JUDICIAL MAGISTRATE COURT, I NEDUMANGAD.

//TRUE COPY//

ANTONY DOMINIC, J.
==========
W.P.(C) NO.28258 OF 2007 L
==========

Dated this the 14th day of November, 2007

J U D G M E N T

The petitioner, whose son is now in Riyad, has filed this writ petition praying for a direction to respondents 1 and 2 to release the passport of her son so as to enable her son to come back to India. Sri.Basheer Sudheer is a holder of Indian Passport No.A2946983 and it is submitted that his passport has been detained by the Indian Embassy at Riyad when it was submitted for renewal. This was for the reason that he was accused in Crime No.82/05 on the file of Valiyamala Police Station in Trivandrum District and consequently respondents 1 to 3 had issued instructions for detention of his passport. This writ petition was filed for the reason that in view of the fact that her son was not in possession of his passport, he was not even in a position to come back to India even for facing trial in the criminal case mentioned above. In the circumstances, petitioner seeks an order for its release.

2. On instructions, learned counsel appearing for respondents 1 and 2 submits that in the circumstances that has

been explained in the writ petition, if at all the petitioner wants, a limited validity passport or an emergency certificate could be issued from the Indian Embassy at Riyad on an appropriate application being filed by the petitioner's son. Since all that the petitioner wants is that her son should be enabled to come to India, the suggestion made by the respondents will redress the grievance of the petitioner.

3. Therefore, I dispose of this writ petition directing that if the petitioner's son Sri.Basheer Sudheer, holder of Indian Passport No.A2946983 makes an application to the Indian Embassy at Riyad, the application will be considered for the issue of a limited validity passport or an emergency certificate in order to enable him to travel to India.

Writ petition is disposed of with the above direction.

ANTONY DOMINIC, JUDGE.

Rp